

Exhibit 68

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity as
SECRETARY OF THE U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-00196

SUPPLEMENTAL DECLARATION OF JOHN DOE 2

I, John Doe 2, an employee at the National Institute for Occupational Safety and Health (NIOSH, the Institute), declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein through personal experience, through conversations with my colleagues, and through review of the records to which I have access.

2. I submit this Supplemental Declaration in support of the States' Motion for a Preliminary Injunction, and as a continuation of the Declaration I have already submitted in this case. I am doing so anonymously, and withholding certain identifying details, because I am still employed by the Federal Government and fear retaliation for my participation in this lawsuit.

3. On May 13, 2025, Dr. John Howard sent a NIOSH-wide email explaining that some of the NIOSH staff in specific programs who had previously received Reduction in Force (RIF) notices had received additional notices explaining that their RIF had been rescinded. These restorations affected some select staff in in the NIOSH Office of the Director; the Respiratory

Health Division; the Division of Safety Research; the Division of Compensation and Analysis Support; the National Personal Protective Technology Laboratory; and part of the Division of Field Studies and Surveillance. None of the positions restored are in the Western United States. A true and correct snapshot of that email appears below:

From: Howard, John (CDC/NIOSH/OD)
Sent: Tuesday, May 13, 2025 10:59:31 AM
To: CDC All - NIOSH Personnel
Subject: Reduction-in-Force Update

Colleagues:

Today many NIOSH staff who had previously received Reduction in Force (RIF) notices on April 1st and May 2nd received letters from HHS indicating that their RIF notice was being rescinded and they were being reinstated into their positions. We are pleased to see these NIOSH staff members brought back to continue the important work of the Institute. Those who have been called back include staff from selected units in the NIOSH Office of the Director; the Respiratory Health Division; the Division of Safety Research; the Division of Compensation and Analysis Support; the National Personal Protective Technology Laboratory; and part of the Division of Field Studies and Surveillance.

While we celebrate with those who received a rescission letter from HHS, I am mindful that others did not. I am hopeful that we can continue to make the case for reinstating everyone at NIOSH. We realize that there are still many who are facing a separation from NIOSH and their federal service. This continues to be a difficult time to navigate, and we are dedicated to supporting all NIOSH staff during an uncertain future. I want to encourage all staff who continue to be affected by the RIF to join the CDC sessions on how to register for the Reemployment Priority List (RPL) and Priority Reemployment List (PRL). Below is the information about the next session that will be held tomorrow, at 1 pm ET.

Every one of you has made a significant and positive impact in the lives of workers across the Nation. Today we saw a recognition of the importance of much of our work and we continue to hope that we will see further actions that will allow us to continue to conduct the best science and service for all workers.

JH

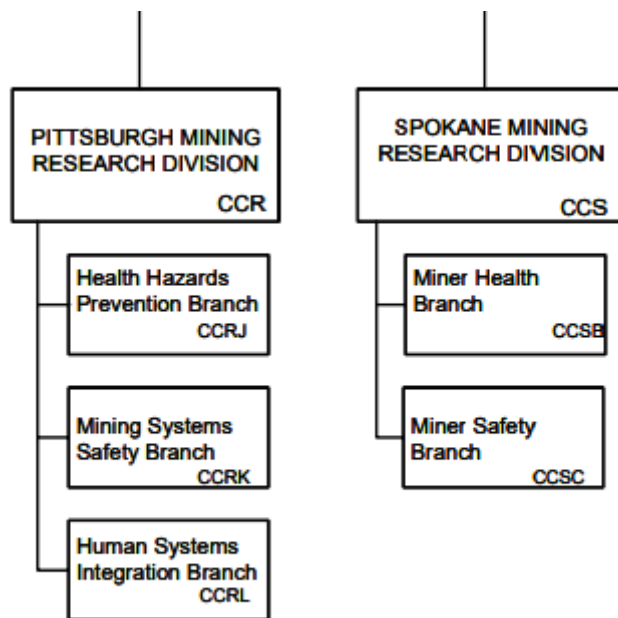
4. It is my understanding that this restoration affected approximately 38% of NIOSH's terminated staff, a number seemingly confirmed by Secretary Kennedy in his May 14, 2025 testimony before the U.S. Senate, where he testified to restoring "328 workers, mostly in the Cleveland and Morgantown office and for the World Trade Center site."¹

5. NIOSH does not have any facility in Cleveland, Ohio, though it does have one in Cincinnati, Ohio. There is no mining safety research conducted by NIOSH in either Cincinnati or Morgantown, despite the Secretary's insistence that the "epicenter" of NIOSH's "critically important" work on mine safety was "Cleveland and Morgantown."² My understanding (and

¹ Senate HELP Committee, *Senate HELP Hearing: FY 2026 Department of Health and Human Services Budget*, YouTube (May 14, 2025), <https://www.youtube.com/watch?v=do7L8jUvZoo> (at 57:00).

² Senate HELP Committee, *supra* note 1, at 57:30.

according to Director Howard) is that the employees restored in Morgantown were those working on the Coal Workers' Health Surveillance Program (CWHSP) within the Respiratory Health Division, which does not do mine safety research (the Respiratory Health Division has only a "Field Studies Branch" and a "Surveillance Branch," and the CWHSP is within the latter). NIOSH's mine safety research programs are run out of the mining research divisions in Spokane and Pittsburgh, a fact that can be confirmed via NIOSH's official organizational chart.³



6. Despite the Secretary's recent actions, my RIF has not been rescinded. I know of nobody else in NIOSH's Spokane Mining Research Division that had their RIF rescinded. I, along with the rest of the trained NIOSH mine researchers in Spokane I mentioned in my previous Declaration, are still slated to be officially separated from government employment either June 2, 2025, or July 2, 2025.

³ NIOSH Organizational Chart, CDC (last visited May 16, 2025), <https://www.cdc.gov/about/media/pdfs/niosh-org-chart.pdf>

7. I also have not received any indication that the NIOSH employees working on mine safety research in Pittsburgh have had their RIFs rescinded.

8. It is also my understanding that no employee in NIOSH's Western States Division (WSD), also housed in Spokane, received RIF rescissions. This understanding is additionally supported by the comments of Senator Lisa Murkowski of Alaska (one of the states served by the Western States Division) during the May 14, 2025 hearing, where she confirmed with Secretary Kennedy that employees in the NIOSH Center for Maritime Safety and Health (operated by the WSD) did not have their RIFs rescinded.⁴

9. It remains my understanding that following the RIFs, NIOSH will still face widescale closure, with over half of its workforce officially eliminated. The mining research done in Spokane, for instance, will still lose all of the employees providing its direction and expertise, and will effectively cease to exist. There still has been no transition plan given to us to transfer our duties anywhere else in the government. I continue to believe these reductions in force will cripple NIOSH's broader research capabilities.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

JOHN DOE 2

JOHN DOE 2, NIOSH EMPLOYEE
Spokane, Washington

Date: May 19, 2025

⁴ Senate HELP Committee, *supra* note 1, at 1:11:45.